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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,551	07/27/2001	Yoko Yamaga	P66930US0	7381

7590 08/11/2005

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EXAMINER

NGUYEN, HUY D

ART UNIT PAPER NUMBER

2681

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/915,551

**Applicant(s)**

YAMAGA, YOKO

**Examiner**

Huy D. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 10-11, 15-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/23/2005 have been fully considered but they are not persuasive.

In the Remarks, the applicants submitted that the rejections under 35 U.S.C. 103(a) have been overcome in view of the Claims 1 and 6 as presently amended. In the amended Claims 1 and 6, the audio and/or visual information changes as time elapses. In addition, the relevant information related to the audio and/or visual information also changes as time elapses in synchronism with the audio and/or visual information that changes as time elapses. The relevant information is transmitted in synchronism with the audio and/or visual information that changes as time elapses. The examiner responds that the amended Claims 1 and 6 do not overcome the rejections under 35 U.S.C. 103(a) since the audio and/or visual information that changes "as time elapsed" is inherently taught in Takagaki. Takagaki teaches that receiver 12 receives the music data transmitted from the service provider 1 and the transmitting speed of music data is 64 kbps (see paragraph [0035]). It has been known that music is audio information that changes as time elapses. It is also inherent that the video information taught in Sood changes as time elapses.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-6, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagaki (U.S. Patent Application Publication No. US 2002/0065066) in view of Sood (U.S. Patent No. 6,697,632).

Regarding claims 1, 5, and 6, Takagaki teaches an information retrieval system comprising: a server to transmit audio and/or visual information that changes as time elapses in a limited space (see figure 2; paragraph [0035]); and a hand-held device capable of communication with the server in a communications area covered by the server, the hand-held device establishing communication with the server via specific communication means (e.g. receiver 12 and transmitter 11 in figure 1) when the hand-held device is located in the communications area and receiving the transmitted relevant information while the communication between the hand-held device and the sever is being established (see figure 2; paragraph [0035]). However, Takagaki fails to teach transmit relevant information in synchronism with the transmitted audio and/or visual information that changes as time elapses, the relevant information being related to and changing as time elapses in synchronism with the transmitted audio and/or visual information that changes as time elapses. In the same field of endeavor, Sood teaches the preceding limitation (see column 3, lines 57-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Sood to the teaching of Takagaki to instruct and synchronize the video and audio information.

Regarding claims 3 and 10, Takagaki teaches the information retrieval system according to claim 1 except that the relevant information includes URL (Uniform Resource Locator) for accessing Web pages. However, it would have been an obvious matter of design choice to include URL (Uniform Resource Locator) for accessing Web pages since the invention would

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perform equally well with URL being included in the relevant information for accessing Web pages.

Regarding claims 4 and 11, bluetooth technology has been known in the art for standardizing wireless transmission between a wide variety of devices by creating a single digital wireless protocol for use by various mobile devices that need to keep data synchronized (i.e., consistent from one device to another. For example, see Kolls - U.S. Patent No. 6,615,186). Therefore, it would have been obvious to one of ordinary skill in the art to use bluetooth for the reason said above.

#### ***Allowable Subject Matter***

4. Claims 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 15-16, the cited prior arts, either singularly or in combination, fail to further teach that the hand-held device is capable of having access to an information source different from the server, in order to gain a detailed information about the audio and/or visual information based on the received relevant information.

#### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*HN*

Huy Nguyen

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER